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EXAMINER

HO, CHUONG T

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2619

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,221	Applicant(s) FRANZ ET AL.	
	Examiner CHUONG T. HO	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-28,30,33 and 36-40 is/are rejected.
- 7) ☒ Claim(s) 29,31-32,34-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/312,739.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/20/05,01/17/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to Preliminary Amendment of the Application SN 10/550,221 filed on 09/20/05. Claim 23-40 are presented for examination.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 10312739.9 (GERMANY), filed on 03/21/2003.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 09/20/05, 01/17/2006 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

4. Claim 32 is objected to because of the following informalities: "the component rules are stored in the information output component" should be replaced by – the creation rules are stored in the information output component --. "and/or" should be replace by – and --. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 36, 37 are rejected under 35 U.S.C. 102(e) as being anticipated by Sasaki et al. (Patent No.: US 6,574,765).

Regarding to claim 36, Sasaki et al. disclose A device (figure 77, the precode image data generation section 40) for generating an information output to be transmitted over a packet-oriented network (col. 31, lines 46-48), (figure 77, information output system includes display section 250, code image generation condition setting section 300, supplementary information setting section for code image code image recognition 302) (figure 77, the memory system includes memory 72, precode image data generation section 294, coding parameter registration section 7070, code physical format storage section 296); the device comprising:

- ◆ An information output system (figure 77, code parameter input section 66) for generate an information output (generate precode image data output) based on at least one pre-coded information output component (precode image data) (figure 77, col. 32, lines 2-8, the precode image data generation execution section 294 generates precode image data in accordance with a code image

generation condition and supplementary information for code image recognition, which are supplied from the coding parameter registration section 70 as coding parameters, and code physical format standard information supplied from the code physical format standard storage section 296) ;

- ◆ Memory system for storing the pre-coded information output component (figure 77, precode image data) (col. 31, lines 64-66, The selected block size is registered in the memory 72 by the coding parameter registration section 70. The block size registered in the memory 72 is read out by the coding parameter registration section 70 and supplied to the block formation section 292); (col. 29, lines 21-25, The coding parameters are temporarily stored in a memory 72 by a coding parameter registration section 70, read out by the coding parameter registration section 70, and supplied to the coding execution section 242. The code format standard storage section 246 stores in advance format standard information used for coding. This format standard information is supplied to the coding execution section 242);
- ◆ A standardized interface for connecting the information output system to the memory system and for transferring the pre-coded information output component (precode image data) between the information output system and the memory system (col. 32, lines 19-20, transferring the precode image data output “code information confirmation” from the memory system to information output system).

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Regarding to claim 37, Sasaki et al. disclose an information output design system (figure 77, Precode Image Data Generation Execution section 294) for generate the pre-coded information output component (precode image data), wherein the pre-coded information output component (precode image data) is transferred via the standardized interface (coding parameter registration section 70) between the information design system (precode image data generation execution section 294) and the memory system (memory 72) (col. 32, lines 15-22, These set values are temporarily stored in the memory 72 by the coding parameter registration section 70, read out, and supplied to the precode image data generation execution section 294. The code information including the coding parameters stored in the memory 72 is displayed on the display section 250 by the coding parameter registration section 70, so that the user can confirm the information).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 39, 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. (Patent No.: US 6,574,765) in view of Saito (Patent No.: US 5,815,502).

Regarding to claim 39, Sasaki et al. disclose the limitations of claim 36 above; However, Sasaki is silent to disclosing a plurality of information output systems and at least two memory systems, wherein each information output system in configured to access at least two of the memory systems, wherein each information output system in configured to access at least two of the memory systems.

Saito discloses a plurality of information output systems (figure 9, output 351) and at least two memory systems (figure 9, storage 402, 403, 404) , wherein each information output system (figure 9, output 351) in configured to access at least two of the memory systems (figure 9, storage 402, 403, 404) , wherein each information output system (figure 9, output 351) in configured to access at least two of the memory systems (figure 9, storage 402) (col. 9, lines 65-67, the storages 402-404 may be structured so as to have a variable data transfer speed by controlling the storages by an output of the traffic monitor means).

Both Sasaki, and Saito disclose coding data. Saito recognizes a plurality of information output systems and at least two memory systems, wherein each information output system in configured to access at least two of the memory systems, wherein each information output system in configured to access at least two of the memory systems. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a plurality of information output systems and at least two memory systems, wherein each information output system in configured to access at

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least two of the memory systems, wherein each information output system is configured to access at least two of the memory systems taught by Saito into the system of Sasaki in order to provide a variable data read speed (Saito, col. 8, lines 34). The combined would have been transmitted at a higher speed in a shorter time (Saito, col. 8, line 31).

Regarding to claim 40, Sasaki et al. disclose the limitations of claim 36 above; However, Sasaki is silent to disclosing wherein the device comprises a plurality of memory systems, and the information output design system is configured to access the plurality of memory systems.

Saito discloses wherein the device comprises a plurality of memory systems (figure 9, storage 402, 403, 404), and the information output design system (figure 9, selector 407) is configured to access the plurality of memory systems (col. 8, lines 5-6, a signal read from the storages 402 to 404 is inputted via the buffer 406 to a selector 407 and distributed as an output signal 351 which is then transmitted).

Both Sasaki, and Saito disclose coding data. Saito recognizes wherein the device comprises a plurality of memory systems, and the information output design system is configured to access the plurality of memory systems. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the device comprises a plurality of memory systems, and the information output design system is configured to access the plurality of memory systems taught by Saito into the system of Sasaki in order to provide a variable data read speed (Saito, col. 8,

lines 34). The combined would have been transmitted at a higher speed in a shorter time (Saito, col. 8, line 31).

9. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. (Patent No.: US 6,574,765) in view of Gentric (Pub. No.: US 2002/0009151).

Regarding to claim 38, Sasaki et al. disclose the limitations of claim 36 above; however, Sasaki et al. are silent to disclosing wherein the information output design system or the memory system is configured to: generate creation rules for generating the information output, and transmit the creation rules to the information output system.

Gentric, discloses wherein the information output design system is configured to: generate create rules (pre-segmentation information) for generating information output, and transmit the creation rules (the fragment information) to the information output system (Abstract, These tracks include a pre-segmentation information indicating how to fragment the encoded data, organized in Access Units, in order to match the size of the packets used for a packetized transmission (ATM, MPEG-2 TS, IP, . . .) (page 1, [0005] The role of the hint track will then be to store the information about how the network packets are made, how they can be filled: the hint track indeed contains pre-segmentation information so that a server knows how to fragment each Access Unit into network packets).

Both Sasaki and Gentric disclose outputting coding information. Gentric recognizes wherein the information output design system is configured to: generate

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creation rules for generating the information output, and transmit the creation rules to the information output system. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the information output design system is configured to: generate creation rules for generating the information output, and transmit the creation rules to the information output system taught by Gentric into the system of Sasaki in order to enable the decoder to recover some context in spite of the loss (Gentric, page 1 [0007]).

10. Claims 23, 24-26, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sasaki et al. (Patent No.: US 6,574,765) in view of Koistinen (Pub. No.: US 2007/0053348).

Regarding to claim 23, Sasaki discloses a method for generating an information output (see figure 77, the device comprising the information output system and the memory system) (figure 77, information output system includes display section 250, code image generation condition setting section 300, supplementary information setting section for code image code image recognition 302) (figure 77, the memory system includes memory 72, precode image data generation section 294, coding parameter registration section 7070, code physical format storage section 296), comprising:

- ◆ Accessing a memory system (memory 72) having pre-coded information output components (col. 32, lines 4-6, precode image data) to the information output,

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the coding method (figure 77, code image generation condition setting section 300, Supplementary information setting section for code image recognition 302, code physical format standard storage section 296) used for notifying the information output to the memory system (memory 72) by the information output system (col. 31, lines 64-66, The selected block size is registered in the memory 72 by the coding parameter registration section 70. The block size registered in the memory 72 is read out by the coding parameter registration section 70 and supplied to the block formation section 292.) (figure 77, col. 32, lines 2-8, the precode image data generation execution section 294 generates precode image data in accordance with a code image generation condition and supplementary information for code image recognition, which are supplied from the coding parameter registration section 70 as coding parameters, and code physical format standard information supplied from the code physical format standard storage section 296);

- ◆ Transmitting at least one of the pre-coded information output components (precode image data) to the information output by the memory system, the information output component (figure 77, precode image data) pre-coded with the coding method (figure 77, code image generation condition setting section 300, Supplementary information setting section for code image recognition 302, code physical format standard storage section 296) (figure 77, col. 32, lines 2-8, the precode image data generation execution section 294 generates precode image data in accordance with a code image generation condition and

supplementary information for code image recognition, which are supplied from the coding parameter registration section 70 as coding parameters, and code physical format standard information supplied from the code physical format standard storage section 296);

- ◆ Generating the information output (precode image data) based on the transmitted information output component (figure 77, col. 32, lines 2-8, the precode image data generation execution section 294 generates precode image data in accordance with a code image generation condition and supplementary information for code image recognition, which are supplied from the coding parameter registration section 70 as coding parameters, and code physical format standard information supplied from the code physical format standard storage section 296...these set values are temporary stored in the memory 72 by the coding parameter registration section 70, read out, and supplied to the precode image data generation execution section 294).

However, Sasaki et al. are silent to disclosing signaling a request for an information output system.

Koistinen discloses signaling a request (from another gateway) for an information output system; transmitting information about at least one coding method (coders negotiation) which can be used for information output to the information output system (figure 6, Gateway) and generating the information output based on coding negotiation (figure 6, negotiating coders and decoders, page 7 [0096] After noticing TFO frames in

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the data flow, it may use a certain RTCP message to inform the other gateway about, for example, the following issue: the decoder used in the cellular network and the decoders that the gateway supports) (page 7 [0102] the information can be inferred from the TFO frames or there may be in the cellular network a TFO extension arrangement 601, which contain a block 603 that indicates the coder and decoder that are use in a certain connection).

Both Sasaki and Koistinen disclose coding data files. Koistinen recognizes signaling a request for an information output system. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate signaling a request for an information output system taught by Koistinen into the system of Sasaki in order to avoiding multiple coding and decoding of data connections that involve cellular network (Koistinen, page 1 [0002]). Therefore, the combined system would have been provided suitable decoder is necessary supported in the gateway (Koistinen, page 2 [0020]).

11. Regarding to claim 24, Sasaki discloses wherein the information output includes an information element chosen from the group consisting of voice information (col. 2, lines 43-44, there is provided a code image data output apparatus which outputs code image data corresponding to multimedia information including at least one of voice information and image information to a recording device for recording the multimedia information on a recording medium as an optically readable code image).

12. Regarding to claim 25, Sasaki discloses the limitations of claim 23 above; however, Sasaki is silent to disclosing wherein the information output is request using standardized signaling protocol.

Koistinen et al. disclose wherein the information output is request (coding negotiation) using standardized signaling protocol (page 4 [0101] controller the information can be exchanged, for example, using a protocol designed specifically for this purpose for using an enhanced version of protocol H.248).

Both Sasaki and Koistinen disclose coding data files. Koistinen recognizes wherein the information output is request using standardized signaling protocol. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the information output is request using standardized signaling protocol taught by Koistinen into the system of Sasaki in order to avoiding multiple coding and decoding of data connections that involve cellular network (Koistinen, page 1 [0002]). Therefore, the combined system would have been provided suitable decoder is necessary supported in the gateway (Koistinen, page 2 [0020]).

13. Regarding to claim 26, Sasaki discloses the limitations of claim 23 above; however, Sasaki is silent to disclosing wherein the signaling protocol is MGCP or H.248/MEGACO.

Koistinen et al. disclose wherein the signaling protocol is H.248 (page 4 [0101] controller the information can be exchanged, for example, using a protocol designed specifically for this purpose for using an enhanced version of protocol H.248).

Both Sasaki and Koistinen disclose coding data files. Koistinen recognizes wherein the signaling protocol is H.248. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the signaling protocol is H.248 taught by Koistinen into the system of Sasaki in order to avoiding multiple coding and decoding of data connections that involve cellular network (Koistinen, page 1 [0002]). Therefore, the combined system would have been provided suitable decoder is necessary supported in the gateway (Koistinen, page 2 [0020]).

14. Regarding to claim 33, Sasaki et al. discloses providing an information output design system (figure 77, precode image data generation execution section 294); generating a plurality of information output components (pre-coded image data) by the information output design system (figure 77, col. 32, lines 2-8, the precode image data generation execution section 294 generates precode image data in accordance with a code image generation condition and supplementary information for code image recognition, which are supplied from the coding parameter registration section 70 as coding parameters, and code physical format standard information supplied from the code physical format standard storage section 296); and transmitting at least one of the generated information output components (pre-coded image data) to the memory system (figure 77, memory 72) by the information design system (precode image data generation execution section 294).

15. Claim 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Sasaki et al. - Koistinen) in view of Gentric (Pub. No.: US 2002/0009151).

Regarding to claim 27, Sasaki et al. disclose wherein the memory system (memory section 72) transmit block information to the information output system (Precode Image data generation execution section 294), and the information output is generated from the at least one pre-coded information output component (see (figure 77, col. 32, lines 2-8, the precode image data generation execution section 294 generates precode image data in accordance with a code image generation condition and supplementary information for code image recognition, which are supplied from the coding parameter registration section 70 as coding parameters, and code physical format standard information supplied from the code physical format standard storage section 296).

However, the combined system (Sasaki – Koistinen) are silent to disclosing wherein the memory system transmits creation rules to the information output system, and the information output is generated from the at least one pre-coded information component based on the creation rules.

Gentric discloses transmitting creation rules (pre-segmentation information) to the information output system, the information output is generated from the at least coded information component (encoded data) based on the creation rules (Abstract, These tracks include a pre-segmentation information indicating how to fragment the encoded data, organized in Access Units, in order to match the size of the packets used

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for a packetized transmission (ATM, MPEG-2 TS, IP, . . .) (page 1, [0005] The role of the hint track will then be to store the information about how the network packets are made, how they can be filled: the hint track indeed contains pre-segmentation information so that a server knows how to fragment each Access Unit into network packets).

Both Sasaki, Koistinen, and Gentric disclose outputting coding information. Gentric recognizes transmitting creation rules to the information output system, the information output is generated from the at least coded information component based on the creation rules. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate transmitting creation rules to the information output system, the information output is generated from the at least coded information component based on the creation rules taught by Gentric into the combined system (Sasaki – Koistinen) in order to enable the decoder to recover some context in spite of the loss (Gentric, page 1 [0007]).

16. Regarding to claim 28, the combined system (Sasaki – Koistinen) disclose the limitations of claim 27 above; however, the combined system (Sasaki – Koistinen) are silent to disclosing wherein the creation rules are stored in the information output system for further use.

Gentric discloses wherein the creation rules (the fragment information) are stored in the information output system for the further use (Abstract, the fragmentation information, structuring the coded bitstream into independent entities, is stored during

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encoding in a fragment structure independent from the .mp4 file. The invention also relates to a coded signal available at the output of such an encoder, and to a terminal receiving said coded signal and reading it according to a file structure having the appropriate syntax.) (page 1 [0007] The fragmentation information, which is media specific (it is different for each media type: audio, video, . . . , and even for distinct encoding options), is located in the hint tracks of the .mp4 file format and available at the output of the encoder).

Both Sasaki, Koistinen, and Gentric disclose outputting coding information. Gentric recognizes the creation rules are stored in the information output system for the further use. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate transmitting creation rules to the information output system, the information output is generated from the at least coded information component based on the creation rules taught by Gentric into the combined system (Sasaki – Koistinen) in order to enable the decoder to recover some context in spite of the loss (Gentric, page 1 [0007]).

17. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined system (Sasaki – Koistinen) in view of Saito (Patent No.: US 5,815,502).

Regarding to claim 30, the combined system (Sasaki – Koistinen) disclose the limitations of claim 23; however, the combined system (Sasaki – Koistinen) are silent to disclosing wherein the pre-coded information output component is stored in the information output system for further use.

Saito discloses wherein the pre-coded information output component is stored in the information output system for further use (figures 5a – figure 5d, col. 5, lines 20-21, the pre-coder information output data is stored in the buffer for further use).

Both Sasaki, Koistinen, and Saito disclose coding data. Saito recognizes wherein the pre-coded information output component is stored in the information output system for further use. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate wherein the pre-coded information output component is stored in the information output system for further use taught by Saito into the combined system (Sasaki – Koistinen) in order to avoid multiple coding and decoding of data in connections that involve cellular networks (Koistinen, page 1 [0002]).

Allowable Subject Matter

18. Claims 29, 31, 32, 34, 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 29 is object. The prior art however fails to disclose wherein the creation rules are stored in the information output system for a limited period of time, the period of time determined from at least one characteristic of the creation rules to be stored.

Claim 31 is object. The prior art however fails to disclose wherein the pre-coded information output component is stored in the information output system stored for a limited period of time, the period of time determined from at least one characteristic of the information output component to be stored.

Claim 34 is objected. The prior art however fails to disclose generating creation rules by the information output design system; and transmitted the create rules to the memory system.

Claim 35 is objected, the prior art however fails to disclose wherein the information output component is generated while the request for the information output is processed by the information output system.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Klaghofer et al. (Patent No.: US 7,227,922).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHUONG T. HO whose telephone number is (571)272-3133. The examiner can normally be reached on 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, EDAN ORGAD can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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06/24/08

/CHUONG T HO/

Temporary Grant of Partial Signatory Authority Examiner, Art Unit 2619